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Patents Department
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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/668,511	JACOBS ET AL.
	Examiner	Art Unit
	Djenane M Bayard	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 September 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-119_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _65-95,100-103 and 107-109_ is/are allowed.

6)☒ Claim(s) _1-36,39-43,46-64,96-99,104 and 110-119_ is/are rejected.

7)☐ Claim(s) _16,37,38,44 and 45_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _10_ .   6) ☐ Other: .

DETAILED ACTION

Response to Argument

1.   As per claims 1,3,6-7, 25-26, 32-34, 40-41, 48-50, 52-54, 96-98 and 104-106, applicant

argues that Moraes in view of Spaur fails to teach the claimed invention. Examiner applied a

new rejection. Therefore, applicant's argument is moot based on the ground of the new

rejection.

2.   As per claim 15, Ravaki et al teaches the network address of the storage location of the

advertisements (See col. 6, lines 1-5).

3.   As per claim 55, Chang et al teaches interrupting a data downloading when the

downloading time exceeded the time limit. Furthermore, Chang teaches rescheduling the data

download when the previous download was not successful. It is obvious to one with ordinary

skill in the art that Chang teaches " determining a failure condition has occurred".

4.   As per claims 56 and 58, Casagrande et al teaches automatic restart when a download

failure condition occurred. Applicant asserts Casagrande does not teach how to distinguish

advertisements from any other data being downloaded. However, examiner disagrees. The

claimed subject matter "does not teach how to distinguish advertisements from any other data

being downloaded" is not even discloses in the claimed. Therefore, applicant's argument is moot

and not persuasive, and stand rejected as stated in the previous office action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1,3,6-7, 25-26, 32-34, 40-41, 48-50, 52-54, 96-98 and 104-106 are rejected under

35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Patent No. 6,014,502 to Moraes in

view of U.S. Patent No. 6,144,944 to Kurtzman, II et al.

a.   As per claim 1, Moraes et al teaches a software for use on a client device that is

configured for communications via a communications network comprising: a communications

function that effects an advertisement download communication link between the client device

and an advertisement distribution server system via the communications network (See col. 5,

lines 18-21), at selected advertisement download times (See col. 7, lines 23-25); an

advertisement storage function for storing the downloaded advertisement on a storage medium

associated with the client device (See col. 5, lines 21-23); and an advertisement display function

that effects display of at least selected ones of the stored advertisements (See col. 4, lines 19-20).

However, Moraes fails to teach wherein the an advertisement download function that downloads

advertisements identified in a playlist(s) generated by at least one, playlist server, via the

advertisement download communication link, at the selected advertisement download times;

Kurtzman, II et al teaches a computer system for efficiently selecting and providing

information. Furthermore, Kurtzman, II et al teaches to teach wherein the an advertisement

download function that downloads advertisements identified in a playlist(s) generated by at least

one, playlist server, via the advertisement download communication link (See col. 4, lines 27-31)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate to teach wherein the an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one, playlist server, via the advertisement download communication link, at the selected advertisement download times as taught by Kurtzman, II et al in the claimed invention of Moraes in order to efficiently select and provide advertisement (See col. 2, lines 23-24).

c.   As per claim 6, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the communications network comprises the Internet (See col. 1, lines 44-67)

d.   As per claim 7, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the software is subsidized by revenues attributable to the downloaded advertisements (See col. 6, lines 33-35).

l.   As per claim 48, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is customized to the user (See col. 6, lines 53-55)

m.   As per claim 49, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the playlist(s) is tailored to the user (See col. 6, lines 53-55)

n.   As per claim 50, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by based at

least partially on user demographics and/or user/client device behavior (See col. 5, lines 5-7).

o.   As per claim 52, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the software is e-mail software (See col.

3, lines 66-67 and col. 4, line 1).

p.   As per claim 53, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least

one playlist server based at least partially on user demographics (See col. 5,lines 5-7).

q.   As per claim 54, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the playlist(s) is generated by the at least

one playlist server based at least partially on user/client device behavior (See col. 7, lines 8-9).

r.   As per claim 96 and 99, Moraes in view of Kurtzman, II et al teaches the claimed

invention as described above. Furthermore, Moraes teaches wherein the advertisement display

function effects display of the plurality of stored advertisements when the client device is offline

(See col. 5, lines 64-67).

s.   As per claim 97, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the client device is configured for

communications with a multiplicity of other client devices via the communications network (See

col.1, lines 27-33).

t.   As per claim, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the communications network is the

internet (See col. 1, lines 44-45).

u.   As per claim 104, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches the software further comprising an installer

function for installing the software on a computer-readable storage medium (See col. 10, lines

43-51)

v.   As per claim 105, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the further comprising an installer

function for installing the software on the client device (See col. 10, lines 43-51)

w.   As per claim 106, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches the software further comprising an installer

function for installing the software on a computer-readable storage medium associated with the

client device (See col. 10, lines 43-51)

7.   Claims 3, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as

applied to claim 1 above, and further in view of U.S. Patent No. 6,687,737 to Landsman et al.

a.   As per claim 3, Moraes teaches the claimed invention as described above. However,

Moraes fails to teach wherein the playlist(s) contains a list of the

advertisements to be downloaded, and a source address where each listed advertisement can be

fetched.

Landsman et al teaches an apparatus and accompanying methods for network distribution

and interstitial rendering of information objects to client computers. Furthermore, Landsman et

al teaches wherein the playlist(s) contains a list of the advertisements to be downloaded, and a

source address where each listed advertisement can be fetched (see col. 10, lines 5-30).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the playlist(s) contains a list of the advertisements to be

downloaded, and a source address where each listed advertisement can be fetched as taught by

Landsman et al in the claimed invention of Moraes in order to transparently download

advertising files (See col. 10, lines 5-30).

8.   As per claim 25, Moraes in view of Kurtzman et al teaches the claimed invention as

described above. However, Moraes fails to teach, wherein the advertisements comprise

advertisement files each of which includes an advertisement and a plurality of ad display

parameters associated with that advertisement.

Landsman et al teaches wherein the advertisements comprise advertisement files each of

which includes an advertisement and a plurality of ad display parameters associated with that

advertisement (See col. 12, lines 15-38

It would have been obvious to one with ordinary skill with ordinary skill in the art at the

time the invention was made to incorporate wherein the advertisements comprise advertisement

files each of which includes an advertisement and a plurality of ad display parameters associated

with that advertisement as taught by Landsman et al in the claimed invention Moraes in view of

Kurtzman II et al order to select the advertisement to be delivered (See col. 12, lines 19-20).

f.   As per claim 26, Moraes in view of Kurtzman et al teaches the claimed invention as

described above. However, Moraes fails to teach wherein the advertisement display function

displays the stored advertisements according to the ad display parameters.

Landsman et al teaches wherein the advertisement display function displays the stored

advertisements according to the ad display parameters (See col. 21, lines 32-49).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the advertisement display function displays the stored

advertisements according to the ad display parameters as taught by Landsman et al in the

claimed invention of Moraes in view of Kurtzman et al in order to play the advertisement to the

client (See col. 21, lines 32-49).

9.   Claims 5 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al. as

applied to claim 1 above, and further in view of U.S. Patent No. 6,298,332 to Montague.

a.   As per claims 5 and 51, Moraes in view of Kurtzman, II et al teaches the claimed

invention as mention above. However, Moraes in view of Kurtzman, II et al fails to teach

wherein the advertisement distribution server system is controlled by a vendor of the software.

        Montague teaches wherein the server system is controlled by a vendor of the software

(See col. 15, lines 35-36).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the server system is controlled by a vendor of the software as taught by

Montague in the claimed invention of Moraes in view of Kurtzman, II et al in order to facilitate

access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

10.   Claims 2, 4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as

applied to claim 1 above, and further in view of U.S. Patent No. 6,516,338 Landsman et al.

a.   As per claim 2, Moraes in view Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes teaches wherein the advertisement distribution server system

includes at least one ad server, each of which stores at least one of the advertisements to be

downloaded and the at least one playlist server.

Kurtzman, II et al teaches an on-line game playing with advertising. Furthermore,

Kurtzman, II et al teaches wherein the advertisement distribution server

system includes at least one playlist server (See col. 10, lines 18-22).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the advertisement distribution server system includes at least

one playlist server as taught by Kurtzman, II et al in the claimed invention of Moraes in order to

provide continuous or persistent advertisements (See col. 51-57).

Landsman et al teaches and apparatus and accompanying methods for implementing

network servers for use in providing interstitial web advertisement to a client computer.

Furthermore, Landsman et al teaches wherein advertisement distribution server system includes

at least one ad server, each of which stores at least one of the advertisements to be downloaded

(See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate advertisement distribution server

system includes at least one ad server, each of which stores at least one of the advertisements to

be downloaded as taught by Landsman et al in the claimed invention of Moraes in view of

Kurtzman, II et al in order to implement in a networked client-server a network distributed

advertising in which advertisement is downloaded (See col. 1, lines 27-30).

b.   As per claim 4, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes fails to teach wherein the playlist(s) contains a list of the

advertisements to be downloaded, and the address where each listed advertisement is stored.

Kurtzman, II et al teaches an on-line game playing with advertising. Furthermore,

Kurtzman, II et al teaches wherein the playlist(s) contains a list of the advertisements to be

downloaded, and a source address where each listed advertisement can be fetched (see col. 10,

lines 18-56).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the playlist(s) contains a list of the advertisements to be

downloaded, and a source address where each listed advertisement is stored as taught by

Kurtzman, II et al in the claimed invention of Moraes in order to provide continuous or persistent

advertisements (See col. 51-57).

c.   As per claim 9, Moraes in view of Kurtzman, II et al and in further view of Landsman et

a teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the

communications network comprises the Internet (See col. 1, lines 44-67)

d.   As per claim 10, Moraes in view of Kurtzman, II et al and further in view of Landsman et

al teaches wherein the software is subsidized by revenues attributable to the downloaded

advertisements (See col. 6, lines 33-35)

e.   As per claim 11, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the at

least one ad server comprises plurality of ad servers that each store at least one of the

advertisements to be downloaded.

Landsman et al teaches and apparatus and accompanying methods for implementing

network servers for use in providing interstitial web advertisement to a client computer.

Furthermore, Landsman et al teaches the at least one ad server comprises plurality of ad servers

that each store at least one of the advertisements to be downloaded (See abstract, lines 1-5)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the at least one ad server comprises plurality of ad servers that each

store at least one of the advertisements to be downloaded as taught by Landsman et al in the

claimed invention of Moraes in view of Kurtzman, II et al in order to implement in a networked

client-server a network distributed advertising in which advertisement is downloaded (See col. 1,

lines 27-30).

11.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view

of U.S. Patent No. 6,317,789 to Rakavy et al.

a.   As per claim 14, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fail to teach wherein each

advertisement is being stored in a storage location designated by a URI wherein the

advertisement distribution server system includes one playlist server.

Landsman et al teaches wherein each advertisement is being stored in a storage location

designated by a URI wherein the advertisement distribution server system includes one playlist

server (See col. 21, lines 31-37).

It would have been obvious to one with ordinary skill in the art at the time the invention was

made to incorporate wherein each advertisement is being stored in a storage location designated

by a URI wherein the advertisement distribution server system includes one playlist server as

taught by landsman et al in order to download advertisement in a manner transparent to the user

(See abstract).

However, Moraes et al in view of Kurtzman, II et al fails to teach wherein the

advertisement distribution server system includes a plurality of ad servers, each of which stores

one or more of the advertisement to be downloaded.

Ravaki et al teaches and apparatus and accompanying methods for implementing network

servers for use in providing interstitial web advertisement to a client computer. Furthermore,

Ravaki et al teaches wherein the advertisement distribution server system includes a plurality of

ad servers, each of which stores one or more of the advertisement to be downloaded (See col. 21,

lines 32-37).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the advertisement distribution server system includes a

plurality of ad servers, each of which stores one or more of the advertisement to be downloaded

as taught by Ravaky et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download the next advertisement (See col. 6, lines 2-3).

b.   As per claim 15, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Kurtzman, II et al teaches wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded (See col. 6, lines 10-15 and col. 7, lines 55-67). However, Moraes in view of Kurtzman, II et al fails to teach wherein the corresponding storage location from which each respective advertisement can be fetched.

Rakavy et al teaches a method and apparatus for transmitting and displaying information between a remote network and a local computer. Furthermore, Rakavy et al teaches wherein the corresponding storage location from which each respective advertisement can be fetched (See col. 6, lines 1-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the corresponding storage location from which each respective advertisement can be fetched as taught by Ravaky et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download the next advertisement (See col. 6, lines 2-3).

12.   Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above, further in view of U.S. Patent No. 6,516,338 Landsman et al and further in view of U.S. Patent No. 6,298,332 to Montague.

a.   As per claim 8, Moraes in view of Kurtzman, II et al and further in view of Landsman teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al and further in view of Landsman fails to teach wherein the advertisement distribution server system is controlled by a vendor of the software.

Montague teaches wherein the server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

b.   As per claim 12, Moraes in view of Kurtzman, II et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Kurtzman, II et al and further in view of Landsman et al fails to teach the playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by the vendor of the software.

Montague teaches wherein a server system is controlled by a vendor of the software (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a server system is controlled by a vendor of the software as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and further in view of Landsman et al in order to facilitate access to information and receipt of information in a variety of format (See col. 15, lines 30-31).

c.   As per claim 13, Moraes in view of Kurtzman, II et al and further in view of Landsman et al teaches the claimed invention as described above. Furthermore, Landsman et al teaches the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (See abstract, lines 1-5). However, Moraes in view of Kurtzman, II et al and further in view of Landsman et al fails to teach wherein the at least one playlist server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s).

Montague teaches wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s) (See col. 15, lines 35-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the at least one server is controlled by a vendor of the software and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad server(s)

as taught by Montague in the claimed invention of Moraes in view of Kurtzman, II et al and

further in view of Landsman et al in order to facilitate access to information and receipt of

information in a variety of format (See col. 15, lines 25-31).

13.   Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, and further in view of U.S. Patent No. 6,317,789 to Ravaky et al.

d.   As per claim 17, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the one

or more advertisement download sessions coincide with the selected advertisement download

times (See col. 19, lines 40-50).

e.   As per claim 18, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the

selected advertisement download times span a plurality of online e-mail sessions during which

the client device is online for the purpose of sending and/or receiving e-mail messages (See col.

20, lines 57-60).

f.   As per claim 19, Moraes in view of Kurtzman, II et al and further in view of Rakavy et al

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein the

selected advertisement download times coincide with times when the client device is online for a purpose other than for sending and/or receiving e-mail messages (See col. 21, lines 1-67).

g.   As per claim 20, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s).

Rakavy et al teaches ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) (See col. 6, lines 31-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s) as taught by Rakavy et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to download and present advertisements from a network to a local computer based on user's selection of advertisement or informational categories (See col. 3, lines 10-15).

h.   As per claim 21, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each advertisement download session is limited to a prescribed maximum time duration (See col. 7, lines 1-2).

i.   As per claims 22 and 23, Moraes in view of Kurtzman, II et al teaches the claimed

invention as described above. Furthermore, Moraes teaches wherein the advertisement

download function further includes an ad fetch timer function that limits the duration of each

advertisement download session to a prescribed maximum time period (See col. 7, lines 23-25).

14.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, further in view of U.S. Patent No. 6,317,789 to Ravaky et al and further in view

of U.S. Patent No. 5,955,710 to Difranza.

a.   As per claim 24, Moraes in view of Kurtzman, II et al and further in view of Ravaky et al

teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et

al and further in view of Ravaky et al fails to teach a playlist merge function that merges the

current playlist(s) and the new playlist(s).

        Difranza teaches an information distribution system for use in an elevator. Furthermore,

Difranza teaches a playlist merge function that merges the current playlist(s) and the new

playlist(s) (See col. 8, lines 43-46).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a playlist merge function that merges the current playlist(s) and the new

playlist(s) as taught by Difranza in the claimed invention of Moraes in view of Kurtzman, II et al

and further in view of Ravaky et al in order to build an advertisement specific list indicating

advertisements and time intervals for when those advertisements could potentially be displayed

(See col. 8, lines 64-67).

15.   Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, and further in view of U.S. Patent No. 6,339,795 to Narurkar et al.

a.   As per claim 27, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the advertisements comprise

advertisement files (See col. 11, lines 22-25). However, Moraes in view of Kurtzman, II et al

fails to teach the advertisement download function downloads separate portions of a single

advertisement file over two or more advertisement download sessions.

Narurkar et al teaches an automatic transfer of address/schedule/program data between

disparate data hosts. Furthermore, Narurkar et al teaches the download function downloads

separate portions of a single over two or more download sessions (See col. 16, lines 56-67)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the download function downloads separate portions of a single over two

or more download sessions as taught by Narurkar et al in the claimed invention of Moraes in

view of Kurtzman, II et al in because a previously established connection between the client and

the server may have failed during a prior downloading session (See col. 16, lines 40-50).

b.   As per claim 28, Moraes in view of Kurtzman, II et al and in further view of Narurkar

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each

advertisement includes an image (See col. 13, lines 25-28)

c.   As per claim 29, Moraes in view of Kurtzman, II et al and in further view of Narurkar

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each

image comprises one of a GIF image, a PNG image and a JPEG image (See col. 13, lines 25-28).

d.   As per claim 30, Moraes in view of Kurtzman, II et al and in further view of Narurkar

teaches the claimed invention as described above. Furthermore, Moraes teaches wherein each

advertisement download session is limited to a prescribed maximum time duration (See col. 7,

lines 23-25).

16.   Claims 31 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al,

further in view of U.S. Patent No. 6,339,795 to Narurkar et al as applied to claim 27 above, and

further in view of U.S. Patent No. 6,360,366 to Heath et al.

a.   As per claim 31, Moraes in view of Kurtzman, II et al and in further view of Narurkar

teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et

al and in further view of Narurkar fails to teach wherein the advertisement download

function further includes an ad fetch timer function that limits the duration of each

advertisement download session to a prescribed maximum time period.

Heath et al teaches a system and methods for automatic application version upgrading

and maintenance. Furthermore, Heath et al teaches wherein the download function further

includes a fetch timer function that limits the duration of each download session to a prescribed

maximum time period (See col. 7, lines 40-50)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the download function further includes a fetch timer function

that limits the duration of each download session to a prescribed maximum time period as taught

by Heath et al in the claimed invention of Moraes in view of Kurtzman, II et al and in further

view of Narurkar in order to ensure that the download file is delivered quickly (See col. 7, lines

34-35).

17.   Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.

6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, and further in view of U.S. Patent No. 6,442,529 to Krishan et al.

a.   As per claims 32-34 and 40-41, Moraes in view of Kurtzman et al teaches the claimed

invention as described above. However, Moraes fails to teach how many times that

advertisement is to be displayed for a given time period, and how long that advertisement is to be

displayed each time that it is displayed.

Krishan et al teaches a method an apparatus for delivering targeted information and

advertising over the internet. Furthermore, Krishan et al teaches how many times that

advertisement is to be displayed for a given time period, and how long that advertisement is to be

displayed each time that it is displayed (See col. 4, lines 29-33).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate how many times that advertisement is to be displayed for a given time

period, and how long that advertisement is to be displayed each time that it is displayed as taught

by Krishan et al in the claimed invention of Moraes in view of Kurtzman et al in order to

determine how various advertisers should be charged (See col. 4, lines 33-36)

18.   Claims 35-39 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al,

as applied to claim 1 above, and further in view of U.S. Patent No. 5,955,710 to Difranza.

a.   As per claims 35 and 42, Moraes in view of Kurtzman, II et al teaches the claimed

invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach

wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of

the at least selected ones of the plurality of stored advertisements, a start date/time before which

the associated advertisement should not be displayed, and the end date/time after which the

associated advertisement should not be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore,

Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of

prescribed ones of the at least selected ones of the plurality of stored advertisements, a start

date/time before which the associated advertisement should not be displayed, and the end

date/time after which the associated advertisement should not be displayed (See col. 4, lines 20-

30)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for

each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a

start date/time before which the associated advertisement should not be displayed, and the end

date/time after which the associated advertisement should not be displayed as taught by Difranza

et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to target a highly

desirable demographic business population (See col. 3, line 49-50).

b.   As per claim 36 and 43, Moraes in view of Kurtzman, II et al teaches the claimed

invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach

wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of

the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of

time that advertisement is to be displayed.

Difranza teaches an information distribution system for use in an elevator. Furthermore,

Difranza teaches wherein the playlist(s) includes ad display parameters that specify, for each of

prescribed ones of the at least selected ones of the plurality of stored advertisements, the

total/cumulative amount of time that advertisement is to be displayed (See col. 4, lines 20-21)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the playlist(s) includes ad display parameters that specify, for

each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the

total/cumulative amount of time that advertisement is to be displayed as taught by Difranza et al

in the claimed invention of Moraes in view of Kurtzman, II et al in order to target a highly

desirable demographic business population (See col. 3, line 49-50).

c.   As per claim 39, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. Furthermore, Moraes teaches wherein the ad display parameters specify, for

each of prescribed ones of the at least selected ones of the plurality of stored advertisements how

long that advertisement is to be displayed each time that it is displayed (See col. 7, lines 1-2).

However, Moraes fails to teach wherein the ad display parameters specify, for each of prescribed

ones of the at least selected ones of the plurality of stored advertisements, how many times that

advertisement is to be displayed for a given time period.

Difranza teaches an information distribution system for use in an elevator. Furthermore,

Difranza teaches wherein the ad display parameters specify, for each of prescribed ones of the at

least selected ones of the plurality of stored advertisements, how many times that advertisement

is to be displayed for a given time period (See col. 4, lines 20-30).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the ad display parameters specify, for each of prescribed ones

of the at least selected ones of the plurality of stored advertisements, how many times that

advertisement is to be displayed for a given time period as taught by Difranza et al in the claimed

invention of Moraes in view of Kurtzman, II et al in order to target a highly desirable

demographic business population (See col. 3, line 49-50).

19.   Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, as

applied to claim 1 above, and further in view of U.S. Patent No. 5,918,014 to Robinson.

a.   As per claim 46, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach a cookie

generator function that generates a cookie containing information relating to user/client device

behavior and/or user demographics, and that transmits the cookie to the at least one playlist

server.

Robinson teaches wherein an automated collaborative filtering World Wide Web

advertising. Furthermore, Robinson teaches a cookie generator function that generates a cookie

containing information relating to user/client device behavior and/or user demographics, and that

transmits the cookie to the at least one playlist server (See abstract, lines 17-28)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a cookie generator function that generates a cookie containing

information relating to user/client device behavior and/or user demographics, and that transmits

the cookie to the at least one playlist server as taught by Robinson in the claimed invention of

Moraes in view of Kurtzman, II et al in order to be used for the purpose of targeting ads (See col.

3, lines 20-27).

b.   As per claim 47, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the

playlist(s) is generated by the at least one playlist server based at least partially on the cookie.

Robinson teaches wherein an automated collaborative filtering world wide web

advertising. Furthermore, Robinson teaches wherein the playlist(s) is generated by the at least

one playlist server based at least partially on the cookie (See col. 15, lines 20-29).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the playlist(s) is generated by the at least one playlist server

based at least partially on the cookie as taught by Moraes in view of Kurtzman, II et al in order to

be used for the purpose of targeting ads (See col. 3, lines 20-27).

20.   Claims 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, as applied to

claim 1 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

b.   As per claim 55, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al and fails to teach an

advertisement download monitor function that determines whether or not an ad download failure

condition has occurred, whereby the ad download failure condition occurs when the

advertisement download function has not successfully downloaded advertisements over a

prescribed time period.

Chang et al teaches a method for accessing and retrieving information from a source

maintained by a network server. Furthermore, Chang et al teaches to teach an download monitor

function that determines whether or not a download failure condition has occurred, whereby the

ad download failure condition occurs when the download function has not successfully

downloaded advertisements over a prescribed time period (See abstract, lines 19-26).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a download monitor function that determines whether or not a

download failure condition has occurred, whereby the download failure condition occurs when

the download function has not successfully downloaded advertisements over a prescribed time

period as taught by Chang et al in the claimed invention of Moraes in view of Kurtzman, II et al

in order to reschedule the another data download for previous unsuccessful data download (See

col. 3, lines 50-51).

21.   Claims 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claim 1

is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to

Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to claim 1 above,

and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a.   As per claim 56, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach an advertisement

download monitor function that determines whether or not an ad download failure condition has

occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches a download monitor

function that determines whether or not a download failure condition has occurred (See col. 2,

lines 58-60)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a download monitor function that determines whether or not a

download failure condition has occurred as taught by Casagrande et al in order to detect whether

data has been reliably received at the client within a specified period of time (See col. 63-64).

b.   As per claim 58, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach a disabler function

that disables at least selected features of the software in response to a determination that an ad

download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that

disables at least selected functions of the software in response to a determination that a download

failure condition has occurred (See col. 2, lines 58-60).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a disabler function that disables at least selected functions of the

software in response to a determination that a download failure condition has occurred as taught

by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

22.   Claims 57, 59 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al, further in view of U.S. Patent No. 6,339,795 to Narurkar et al further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 55 above, and further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a.   As per claims 57 and 59, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al fails to teach a disabler function that disables at least selected functions of the software in response to a determination that an ad download failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a disabler function that disables at least selected functions of the software in response to a determination that a download failure condition has occurred as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in

view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b.   As per claims 60 and 63, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al fails to teach an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad download failure and function that generates an ad download failure and that notifies the user that advertisements have not been successfully downloaded as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

c.   As per claim 61, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of

Chang et al fails to teach wherein the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified (See col. 4, lines 14-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the ad download failure and also warns the user that at least selected functions of the software will be disabled if the ad download failure condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

d.   As per claim 62, Moraes in view of Kurtzman, II et al teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al fails to teach wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches wherein the ad download failure condition occurs when the advertisement download function has not successfully downloaded advertisements over a prescribed time period (See col. 4, lines 4-7).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the ad download failure condition occurs when the

advertisement download function has not successfully downloaded advertisements over a

prescribed time period as taught by Casagrande et al in the claimed invention of Moraes in view

of Kurtzman, II et al in order to detect whether data has been reliably received at the client

within a specified period of time (See col. 63-64).

e.   As per claim 64, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach an alert function

that generates an alert that notifies the user that at least selected functions of the software are

about to be disabled unless the user takes corrective action to eliminate the ad download failure

condition; and a disabler function that disables at least selected functions of the software if the

user does not take the required corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches an alert function that

generates an alert that notifies the user that at least selected functions of the software are about to

be disabled unless the user takes corrective action to eliminate the ad download failure condition;

and a disabler function that disables at least selected functions of the software if the user does not

take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate an alert function that generates an alert that notifies the user that at least

selected functions of the software are about to be disabled unless the user takes corrective action

to eliminate the ad download failure condition; and a disabler function that disables at least

selected functions of the software if the user does not take the required corrective action as

taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in

view of Kurtzman, II et al in order to detect whether data has been reliably received at the client

within a specified period of time (See col. 63-64).

23.   Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, and further in view of U.S. Patent No. 6,134,584 to Chang et al.

a.   As per claim 110, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described above. However, Moraes in view of Kurtzman, II et al fails to teach an advertisement

display monitor function that determines whether or not an ad display failure condition has

occurred, whereby the ad display failure condition occurs when the advertisement display

function has not successfully displayed at least a prescribed number of advertisements over a

prescribed time period.

Chang et al teaches advertisement display monitor function that determines whether or

not an ad display failure condition has occurred, whereby the ad display failure condition occurs

when the advertisement display function has not successfully displayed at least a prescribed

number of advertisements over a prescribed time period (See col. 6, lines 47-51).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate advertisement display monitor function that determines whether or not

an ad display failure condition has occurred, whereby the ad display failure condition occurs

when the advertisement display function has not successfully displayed at least a prescribed

number of advertisements over a prescribed time period as taught by Chang et al in the claimed

of Moraes in view of Kurtzman, II et al in order to interrupt data downloading if the

downloading time exceeded the downloading time (See abstract, lines 19-22).

24.   Claim 111 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al as applied to

claim 1 above, and further in view of U.S. Patent No. 6,605,120 to Fields.

a.   As per claim 111, Moraes in view of Kurtzman, II et al teaches the claimed invention as

described. However, Moraes in view of Kurtzman, II et al fails to teach a deadbeat user

determination function that determines compliance with a prescribed ad display policy.

Fields et al teaches a deadbeat user determination function that determines compliance

with a prescribed ad display policy (See col. 10, lines 55-67).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a deadbeat user determination function that determines compliance with

a prescribed ad display policy as taught by Fields et al in the claimed invention of Moraes in

view of Kurtzman, II et al in order to include for a particular web content provider (See col. 10,

lines 54-55).

25.   Claims 112 –115, 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al,

further in view of U.S. Patent No. 6,134,584 to Chang et al as applied to claim 110 above, and

further in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a.   As per claims 112 and 113, Moraes in view of Kurtzman, II et al further in view of Chang

et al fails to teach a disabler function that disables at least selected functions of the software in

response to a determination that an ad download failure condition has occurred.

        Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches a disabler function that

disables at least selected functions of the software in response to a determination that a download

failure condition has occurred (See col. 2, lines 58-67).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate a disabler function that disables at least selected functions of the

software in response to a determination that a download failure condition has occurred as taught

by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al and further

in view of Chang et al in order to detect whether data has been reliably received at the client

within a specified period of time (See col. 63-64).

b.   As per claims 114 and 115, Moraes in view of Kurtzman, II et al and further in view of

Chang et al fails to teach an ad display failure and function that generates an ad display failure

nag that notifies the user that the ad display failure condition has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al an ad display failure and function

that generates an ad display failure nag that notifies the user that the ad display failure condition

has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate an ad display failure and function that generates an ad display failure

nag that notifies the user that the ad display failure condition has occurred taught by Casagrande

et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Narurkar

et al and further in view of Chang et al in order to detect whether data has been reliably received

at the client within a specified period of time (See col. 63-64).

c.   As per claim 118, Moraes in view of Kurtzman, II et al further in view of Chang et al

teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al

further in view of Chang et al fails to teach an alert function that generates an alert that notifies

the user that at least selected functions of the software are about to be disabled unless the user

takes corrective action to eliminate the ad download failure condition; and a disabler function

that disables at least selected functions of the software if the user does not take the required

corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches an alert function that

generates an alert that notifies the user that at least selected functions of the software are about to

be disabled unless the user takes corrective action to eliminate the ad download failure condition;

and a disabler function that disables at least selected functions of the software if the user does not

take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate an alert function that generates an alert that notifies the user that at least

selected functions of the software are about to be disabled unless the user takes corrective action

to eliminate the ad download failure condition; and a disabler function that disables at least

selected functions of the software if the user does not take the required corrective action as

taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in

view of Kurtzman, II et al and further in view of Chang et al in order to detect whether data has

been reliably received at the client within a specified period of time (See col. 63-64).

26.   Claims 116-117 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,014,502 to Moraes in view of U.S. Patent No. 6,144,944 to Kurtzman, II et al,

further in view of U.S. Patent No. 6,605,120 to Fields as applied to claim 111 above, and further

in view of U.S. Patent No. 6,381,709 to Casagrande et al.

a.   As per claim 116, Moraes in view of Kurtzman, II et al and further in view of Fields et al

fails to teach an ad display failure and function that generates an ad display failure and function

that generates an ad display failure and, that notifies the user that a condition of non-compliance

with the prescribed ad display policy has occurred.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al an ad display failure and function

that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred (See col. 3, lines 4-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an ad display failure and function that generates an ad display failure and, that notifies the user that a condition of non-compliance with the prescribed ad display policy has occurred taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al further in view of Fields et al and further in view of Chang et al in order to detect whether data has been reliably received at the client within a specified period of time (See col. 63-64).

b.   As per claim 117, Moraes in view of Kurtzman, II et al further in view of Fields et al fails to teach ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified.

Casagrande et al teaches a process and apparatus for downloading data from a server computer to a client computer. Furthermore, Casagrande et al teaches an ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate ad display failure and also warns the user that at least selected functions of the software will be disabled if the non compliance condition is not rectified as taught by Casagrande et al in the claimed invention of Moraes in view of Kurtzman, II et al and further in

view of Fields et al in order to detect whether data has been reliably received at the client within

a specified period of time (See col. 63-64).

c.   As per claim 119, Moraes in view of Kurtzman, II et al further in view of Fields et al

teaches the claimed invention as described above. However, Moraes in view of Kurtzman, II et al

further in view of Fields et al fails to teach an alert function that generates an alert that notifies

the user that at least selected functions of the software are about to be disabled unless the user

takes corrective action to eliminate the ad download failure condition; and a disabler function

that disables at least selected functions of the software if the user does not take the required

corrective action.

Casagrande et al teaches a process and apparatus for downloading data from a server

computer to a client computer. Furthermore, Casagrande et al teaches an alert function that

generates an alert that notifies the user that at least selected functions of the software are about to

be disabled unless the user takes corrective action to eliminate the ad download failure condition;

and a disabler function that disables at least selected functions of the software if the user does not

take the required corrective action (See col. 2, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate an alert function that generates an alert that notifies the user that at least

selected functions of the software are about to be disabled unless the user takes corrective action

to eliminate the ad download failure condition; and a disabler function that disables at least

selected functions of the software if the user does not take the required corrective action as

taught by Casagrande et al in the claimed invention of in the claimed invention of Moraes in

view of Kurtzman, II et al and further in view of Fields et al in order to detect whether data has

been reliably received at the client within a specified period of time (See col. 63-64).

Allowable Subject Matter

27.　　Claims 16, 37, 38, 44 and 45 is objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

28.　　Claims 65-95, 100-103, 107-109 are allowed.

Conclusion

29.　　Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606.

The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Djenane Bayard

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER